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# NEWS RELEASE

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Contact:

Los Angeles District Public Affairs Officer

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## **INS Outlines Application Procedures for Qualified Immigrants to Adjust Status Under LIFE Act**

LOS ANGELES— Officials from the Immigration and Naturalization Service (INS) were joined by Congressman Xavier Becerra and Veronica Larkins from the Los Angeles County LIFE Act Outreach office this morning to outline procedures for immigrants hoping to benefit from one of the key provisions of the Legal Immigration and Family Equity (LIFE) Act.

The LIFE Act, which was enacted on Dec. 21, 2000, includes a provision that allows certain individuals to apply for adjustment of immigration status under Section 245(i) of the Immigration and Nationality Act. This means that qualified immigrants will be able to apply to change their status to that of a lawful permanent resident while in the United States even if they entered without inspection, overstayed a visa, or worked without authorization.

"The LIFE Act provides opportunities for many immigrants to take the first steps toward achieving their dream of becoming U.S. citizens," said Jane Arellano, the Assistant District Director for Adjudications at the INS Los Angeles District. "We want to assist them in that process by making sure they have information that is both clear and accurate so they will be able to take advantage of this new law without being taken advantage of."

One of the first points Arellano emphasized was the fact that Section 245(i) is not a general amnesty program. "In order to qualify to adjust their status under this provision an immigrant must meet certain requirements," she stated. "They have to have been physically present in the United States on the date the law was signed and be the beneficiary of either a family-sponsored or employment-based immigrant visa filed by April 30, 2001."

Arellano explained that this does not mean that the Application to Register Permanent Residence or Adjust Status (I-485) has to be filed before April 30, 2001, however, one of the following must be filed by that date:

- I-130 (Petition for an Alien Relative);
- I-140 (Petition for an Alien Worker) or;
- Labor Certification filed with the Department of Labor

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Information on the requirements and procedures for these petitions can be found on the INS Web site, [www.ins.usdoj.gov](http://www.ins.usdoj.gov).

The physical presence requirement is one aspect of the new law that is generating a lot of attention. Questions about who needs to have been physically present in the United States on Dec. 21, 2000, and how immigrants will be able to demonstrate that presence are being asked at community meetings, public information forums, and the INS Information counters.

Arellano explained that the physical presence requirement will only apply to principal applicants for adjustment of status; their dependent spouses and children will not need to prove that they were present on December 21, 2000.

Additionally, immigrants will be able to demonstrate their physical presence by submitting some sort of Federal, State, or local Government-issued document. Those who do not submit Government-issued documents will be able to submit non-Government issued documents for evaluation. These documents will need to bear the name of the applicant, have been dated at the time they were issued, bear the seal or signature of the issuing authority, and be able to be otherwise authenticated. In most cases, she added, applicants will need to submit several documents.

Other questions raised about adjustment of status under Section 245(i) focus on the \$1,000 penalty fee that is required in addition to the regular application fees. Many immigrants are worried that they will have to pay the \$1,000 fee by the April 30, 2001 deadline.

"The \$1,000 fee does not have to be paid by April 30," said Arellano. It does need to be paid when the applicant files their Form I-485. Arellano cautioned applicants that, unless they are an immediate relative, they may only file to adjust their status after their immigrant petition is approved and a visa number is available for the beneficiary in the appropriate preference category in accordance with the State Department's monthly Visa Bulletin, for some it may be a long period of time.

"People do need to keep in mind that this is not an overnight process," said Arellano.

In addition to the provisions for applying for adjustment of immigration status under Section 245(i), the LIFE Act also created a new nonimmigrant visa category, the "V" visa, and expanded the current "K" visa category. **The INS is still working on the application and adjudication procedures for these two visa categories and will not be able to process applications for them until the procedures are finalized.** At this time, INS is consulting with the Department of State and hopes to issue guidelines on these new visas by early spring.

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A third aspect of the LIFE Act specifically relates to persons who filed before Oct. 1, 2000, for class membership in one of three lawsuits against the INS (CSS v. Meese, LULAC v. INS, and Zambrano v. INS). Those class members, who are eligible under the LIFE Act's amended legalization provisions, will be able to apply to adjust status during a 12-month period that begins once regulations are issued.

"While the INS is still developing the regulations for how each aspect of the LIFE Act will be implemented, I want to assure you that as the information becomes available, we will use every avenue of communication we have to get that information out to the public," said Arellano.

"We are very pleased and very fortunate to have the support and assistance of Congressman Becerra and the people from the Los Angeles County LIFE Act Outreach campaign," she continued. "I want to take this time to thank them for their efforts to help us help the immigrant communities of the Los Angeles District."

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